

**FILED**

FEB 6 2025

SUSAN M. SPRAUL, CLERK  
U.S. BKCY. APP. PANEL  
OF THE NINTH CIRCUIT

**UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE NINTH CIRCUIT**

In re:

2ND CHANCE INVESTMENT GROUP,  
Debtor.

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CLOTEE DOWNING,  
Appellant,

v.

2ND CHANCE INVESTMENT GROUP,  
LLC; DAVID M. GOODRICH, Former  
Chief Restructuring Officer and  
Liquidating Trustee for 2nd Chance  
Investment Group, LLC; RAYSHWAN  
ANDREW FOSTER; SONJA FOSTER,  
Appellees.

BAP No. CC-24-1196

Bk. No. 8:22-bk-12142-SC

Adv. 8:24-ap-1105-SC

**ORDER DISMISSING  
APPEAL**

Before: GAN, FARIS, and SPRAKER, Bankruptcy Judges.

This is an appeal from an order granting a motion to dismiss an adversary proceeding without leave to amend. The notice of appeal lists the appellant as, "Clotee Downing, an incompetent individual without a representative" and is signed by "Geoff Trapp on behalf of Clotee Downing, an incompetent person without a representative, as her Next Friend, per FRCP Rule 17(c)(2)."

On December 6, 2024, the BAP issued a Clerk's Order requiring Trapp to file a response explaining in what capacity he is representing

Clotee Downing in this appeal and what authority authorizes him to prosecute this appeal on her behalf.

On December 19, 2024, Trapp filed a motion seeking an extension of time to file a response and permission to file electronically.

On December 23, 2023, the BAP issued a Clerk's Order granting the requested extension and providing that, "In no further extensions of time will be granted with respect to the filing of the response. Failure to file a timely response may result in dismissal of this appeal without further notice to the parties." (Emphasis in original.)

Appellant has not filed a response as of the date of the entry of this order.

This appeal is ORDERED DISMISSED for lack of prosecution.

## **CERTIFICATE OF MAILING**

The undersigned, deputy Clerk of the U.S. Bankruptcy Appellate Panel of the Ninth Circuit, hereby certifies that a copy of the document to which this certificate is attached was transmitted this date to all parties of record to this appeal, to the United States Trustee and to the Clerk of the Bankruptcy Court.

**By:** Patti Ippolito, Deputy Clerk  
**Date:** February 6, 2025